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CONSIDERATIONS Concerning the present **ENGAGEMENT.**

Whether it may lawfully be taken
YEA or NO?

Written at the desire of a Friend in London,
By JOHN DURY.

The Fourth Edition enlarged, With an Answer to a
humble Appeal made by a Loyalist out of the Country.

John 3. 19. He that hath the Truth comes to the Light.

November 17. 1649.

Imprimatur, Joseph Caryl.



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COLLECTANIES

CONTINUATION OF

HAGIOGRAPHY

A HISTORY OF HOLY PERSONS

IN THE EAST AND WEST

WITH A HISTORY OF THE CHURCHES

BY JOHN DURY

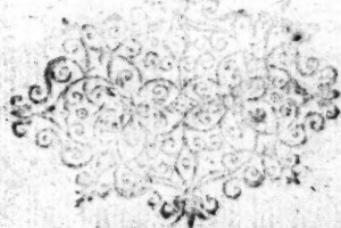
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THE AUTHOR HAS WRITTEN A HISTORY OF THE CHURCHES OF THE EAST AND WEST.

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Considerations concerning the present E N G A G E M E N T.

S I R,



You have obliged me many wayes to serve you in all that I can for your good, but the matter of your special concernment, wherewith you have acquainted me of late, doth lead me of mine own accord, by mine own inclination, beyond all obligations, to endeavour your satisfaction: Seeing then your Conscience is scrupled about the Engagement, which by the *Parliament* is offered to be taken, and you say, you cannot subscribe thereto, til three main doubts concerning the same be cleared; I shall take them into serious consideration, to shew you what I thinke of the weight thereof, which indeed is of exceeding great moment. For you say 1. That the Oath of Allegiance, and the Nationall Covenant are still binding, and contradictory to this present Engagement.

2. That the present power by which the Engagement is tendered, is very doubtfull, as a power unlawfully usurped; to which usurpation you think you wil be accessory if you take the Engagement.

3. That the consequence of the engagement, seems to tend to an opposition against the lawfull Heir of the Crown, and the right constitution of the *Parliaments*, wherunto you are pre-engaged, and from which you cannot recede.

To satisfy your desire, I shall lay before you, as briefly as may be, my sense thereof, that you, who have been always well-affected to the common cause of Liberty, against the desigues of tyranny, may be

helped to discharge how day will be submitted. Now consider it unexpedient, it will be for you, to take or not to take this Engagement for the publique good, and the discharge of your duty towards the same.

First then, concerning the Oath of Allegiance, and the Nationall Covenant, represent unto your selfe the true meaning thereof, and so order your thoughts, to that which is answerable thereto.

The Oath of Allegiance, as you know, did binde all men as Subjects in Law, to be true and faithfull to the Kings Person, to his Heirs and Successors, as they were invested with the authority which the Law did give them; nor was it ever meant by the Parl. which Enacted the Oath of Allegiance, that any should be absolutely bound to the King & his Heirs, as they were men, to be true & faithful to their personal Wils; but only to them and their Wils, as they had a Legall Standing: that is, to the Authority conferred upon them by the consent of the People, which was testified in and under a Law; whereunto the King and his Heirs were bound for the Kingdoms good by Oath. So that the Obligations of King & Subjects are mutual, & must needs stand and fall together, according as the condition by which they are begotten is kept or broken; which is nothing else but the Law according to which he and his Subjects agree, that he shal be their King, & they shall be his Subjects. For as you were sworn to the King, so he was sworn to you; as you were bound to be faithful to him; so he was bound to be faithful to his trust; nor is he your Liege further then he is faithful thereunto. If then he be found unfaithful to his trust, you are *ipso facto*, absolved from your Allegiance unto him; and if, according to Law, he receives not his Authority, you are not in Law his Subjects at all. Now the just and natural foundation of all Laws, is the Reason of the Body of every Nation in their Parl. which hath the sole Right to propose and chuse the Laws by which they wil be Ruled. Where it hath been (as I suppose) a perpetual custome in this Nation, for the Commons at all times, to ask & propose the making of Laws; and for the Lords and King to give their consent therunto: The Lords as the Judges in cases of transgression, and the King as the Executor and publick Trustee for the administration of the common good and wealth thereby; for in a Kingdom there is a Commonwealth, as the intrinsical substance of the Being thereof; for which all things are to be done by King and Lords, as the publick servants thereof; and Ministers not Masters of State therein. If the King then should

should set himself wilfully to be above this reason of the Nation, which is the only Original of the Law, and refuse obstinately the Laws which they shall chuse to be settled : he puts himself into facts, out of the capacity of being a King any more unto them ; and if this can be made out, to have been the way wherein the late King set himself, & that it was the designe of the House of Lords, to uphold and enable him to follow that way, it is evident, that so far as he did by that means actually un-King himself, as to this Nation, so far also they that assisted him in that designe, did un-Lord themselves in the State thereof; and if this was the guilt of the House of Lords, by other practices and proceedings more then by an indifference and complayance with the *Hamiltonian* invasion, to help the King to such a power, I know not what to answer for them.

But as to the meaning of the Oath of Allegiance, as by the perpetual consent of all ages it never was otherwise understood ; and by the third Article of the National Covenant, (which is another branch of this doubt) may be made manifest : It is then undeniable that the third Article of that National Covenant, was never meant by those that made it, or that took it, to be opposite to the sense of the Oath of Allegiance, but altogether agreeable thereto. What then the meaning of that Article is, must needs also be the true sense of the Oath of Allegiance. That Article then doth oblige you, to preserve the Right and Priviledges of the Parliament, and the Liberties of the Kingdom in your Calling, absolutely and without any limitation; but as for the Kings person and Authority, it doth oblige you only therunto, conditionally, and with a limitation; *Name-ly, in the preservation and defence of the true Religion and Liberties of this Kingdom.* If then the King did not give to the Representatives of the Nation that assurance which was satisfactory and necessary that their Religion and Liberties should be preserved, none but his Subjects were bound either by their Allegiance or Covenant, to defend his person and the Authority which was conferred upon him. The Oath of Allegiance therefore was bottomed upon the Laws, which the Representatives of the Nation in Parliament had chosen to be observed concerning their Religion, and the Liberties of the Kingdom ; which he refractorily either casting off, or seeming to yield unto, in such a way that no trust could be given him, that he would keepe what he yielded unto; the Parliament did actually lay him aside, and voted, that no more Addresses should be made unto him, from which time forward he was no more an object of your Oath.

Oath of Allegiance, but to be looked upon as a private man: and your Oath by which you were engaged to be true & faithful to the Law, by which the Religion & Liberty of the Kingdom was to be preserved, did still remain in force: which if it may be the true substantial sense of the present Engagement, which you think is contradictory to this Oath and to the Nationall Covenant, then you are to look well to it, that you be not mistaken; for to an indifferent eye, it may be thought so far from being opposite to the true sense of either, that it may be rather a confirmation of the ground; for which both the Oath of Allegiance, and the third Article of the Nationall Covenant was then binding; For the ground of all these Obligations, is nothing else but the welfare of the Common-wealth, which was intrinsically, to that which was called the Kiugdome, to which you are bound by the Law of Nature and Nations, to be true and faithfull for itself, and to the King, to the particular Laws whereof the King is a Servant, to keep them, and see them kepe, and to the Liberties, which by Law were limited (lest they should be exorbitant) and preserved, (lest they should be incroached upon) you were bound for that Common-wealths sake, which in the bosom of the Kingdome was then, and is now withoutit extant, and in being by it self. So then it may seemeth that you are so far from being put by this Engagement upon any Declaration contradictory to your former Oaths, that you are rather obliged thereby to stand firm to the same, by the fundamental reason thereof, as it is wrapt up in the common cause of Religion, and of the Liberty of the Nation; which notwithstanding any alterations which are fallen out, or may fall out hereafter, are to be constantly and unalterably preserved; for this or that outward form of Government, is wholly accidentall, and no wayes essentiall to any Nation of the World: and therefore is alterable, in respect of forms, as is most expedient for their exigent necessities; but to be governed by Lawes, and to have the use of the true Religion, and of the Nationall freedom, is absolutely necessary and essentiall to the being of a Common-wealth.

It may be conceived then, that the intent of the Engagement is to this effect; that seeing there is a still Nationaltie and association remaining amongst the People of this Land; whereof the common good ought to be promoted truly and faithfully by all that belong therunto; therefore you are required to declare, that the want of that accidentall form of Government, which stood in the having of a King and House of Lords, shall not take you off from being willing to,

to procure the same : which I think you are bound in Conscience, as to intend, so to declare and really to indeavour.

But you will press this further and say, that in the third Article of the Covenant you are sworn, to preserve the Rights and Priviledges of the Parl. now (say you) amongst the Rights & Priviledges of the Parl. this is one, that therein should be a House of Lords distinct from the Commons : and this another, that all the Members of the Commons should sit & vote freely for whom you swore, you meant a Parl. so constituted, and none other ; but now (say you) I am put upon a Declaration contrary to the intent of that part of my Oath : because I am obliged to be true and faithful to the Common-wealth, as it is without such a House, and such Members of the Commons.

To examine this scruple, I shall grant materially all that you say;

1. Concerning your sense of the Rights and Priviledges of Parl.
2. The present Parl. that it is not such as the former was without any alteration.
3. Concerning the intention which you say you had in that part of your Oath : that it cannot now be prosecuted to that effect, whereunto you say you took it; for if you took it, to preserve those Rights of Parl. which you have mentioned, it must be granted, that such an intention cannot now be prosecuted by you in your private calling. But yet for all this which I have granted, I must say that the taking of the present Engagement, wil not make you more guilty of the breach of this part of your Covenant than you are already : for if you did what time and place was, according to your Calling, what in you lay to prevent the breach of those Priviledges; you did observe your Covenant, and cannot be accused of the infringement thereof ; for when a fatall necessity of State in the course of divine Justice, with a power irresistible, not onely to men of private, but to all that were in publick vocations, did bring about that change upon the Parl. no particular mens Engagements were considerable. Therefore of that charge, whether you attempted, or attempted not to hinder it, you cannot be counted guilty; whatever the intent of your promise was in the Covenant, because it was neither morally possible, nor lawfull to you in the way of your Calling, to hinder the cause or effect of that change ; and therefore to you it cannot be imputed as a breach of Covenant. But you will here say true indeed I am not guilty, but others in my opinion are. But if I promise now to be true and faithfull to the Common-wealth, as upon this breach of Priviledge they have settled it, then I confirm what they have done, and so make my selfe accessory to their guilt & breach of Covenant.

Here

Here I perceive is that which doth pinch you in the businesse : you think ; they that made the change broke the Covenant, and if you engage under this change, as is desired, you think you break your Covenant also. To this I shall say; First, that they who made the change will plead for themselves, that they are not guilty of any breach of Covenant notwithstanding that change; but this I shal leave to them to justifie, as not being needfull for the resolving of your doubt at this time : Therefore in the second place, as to your selfe, I see not how it will appear, that the consequence which you draw from the act of the Engagement to the breach of Covenant doth at all follow, although those that made the change should be guilty, as you think they are. And then also this I am confident of, to be able to let you see further, that although you may think that the effect of this Engagement is materially contrary to some intention which you had in the third Article of the Covenant ; yet that by the Act of the Engagement, you are so far from breaking your Covenant ; that except you take it, and observe it faithfully, you will not onely materially, but formally break that very Article of the Covenant, for which you scruple the taking of the Engagement.

As for the consequence you make from taking the Engagement to a breach of the Covenant, it doth not all follow to my understanding; for the direct and plain matter of the Engagement binds you onely to procure the good of the Common-wealth, as now it stands and because at all times and in all constitutions thereof, you are bound to do this, no lesse by the Covenant it selfe than by the Engagement; therefore your taking of this, to this effect, can be no breach of that. For the negative words, *without a King and House of Lords*, (whereat you stumble) in the Engagement, may be properly and most obviously taken as an explication of the words *New established*, immediately going before; & not an absolute abnegation of the things looked upon truly as in themselves : so that the obvious meaning of the words, is to me as if they had been uttered thus assertorily : This Common-wealth at present doth stand *without a King and House of Lords*, and although it doth stand thus; yet I promise to be true and faithfull thereunto. Now it doth not at all follow, if I promise to doe my duty to the Common-wealth, although it is at this time thus settled; therefore I am accessary to all that hath been done to have it thus settled ; Nor doth it follow, if I seek the good of the Common-wealth, although it wants a House of Lords ; therefore I am accessary to the abolition thereof, or approve of the putting out of

of the Lords wholly from all sort of Government in the Common-wealth. These things are altogether incoherent; for what ground is there for me to abstain from doing my duty to the publick, because others have done (I think) more then theirs? Or because they do it not so as I can allow of it? Can their faultless be one way, excuse my neglect of duty another way? To think so is very absurd, and therefore the consequence which you make, doth not at all follow.

But let us how go a Reparation; and suppose that in your apprehension of me, that this Engagement doth materially settle something in the Common-wealth which is contrary to the intention which you had in taking the Covenant; yet I say, that by giving your assent therunto, as matters now stand, you break not at all your Covenant, because your obligation to those matters by virtue of the Covenant, was abrogated, before you were called upon to take this Engagement; now that which is abrogated and made void, cannot be laid to oblige any more; and all promises are ipso facto, made void and extinct, in respect of their tie upon the Covenant; when the thing promised is become in it selfe impossible to be done, or in reference to our calling unlawfull to be prosecuted. It is impossible to name to preferre the King's life which is cut off, and the house of Lords which is already put down; And it is not lawfull for any in a private Calling, to attempt the restoring of that which by publick power hath been abolished. Nor did the Covenant ever intend to engage any to such an attempt: nor could any lawfully be obliged to itt end such an undertaking, nor is there any word of restoring, but only of preserving, in the Article of the Covenant. But if in your meaning, the promise of preferring should extend it self also to a restoring endeavour; yet still the limitation of this endeavour must be in and according to your Calling, not out of it; for beyond it, Now your Calling I suppose at present is onely to acquiesce in the abolition of that which is made void, and not to declare any abrogation (as some would extend it) of the Right which the Lords have to sit in Parliament. They may have a Title to this Right, and yet be obliged, even for the preserving of that Right, to suspend the use of it at this time; I may, nay, I ought to resolve to abstaine from the prosecution of a Right, which without an inevitable ruine to the publick welfare cannot be obtained. Suppose that in order to the publick good, you were obliged by Oath to prosecute some businesse, and that in following it, you should evidently

yidently perceive, that by the change of circumstances, the prosecution of your businesse; intended for the good, would prove the ruin of the publick; I say that notwithstanding your Oath, by which you are engaged to follow such a Businesse, you are nevertheless obliged to desist from it; because your Oath binds no further than it is evident that the publick good is advanced thereby; and if the change of circumstances alter the whole case of your businesse, (as often in State-Affaires it falleth out) I say your Oath is made *ipso facto*, void. And thus the clause of the Covenant, which relates unto the King and the House of Lords, as sworn in order to common weliference, any should now prosecute by force, it is evident that he would by a new War, hazard the ruining of all; which by all humane means possible in nature, lawfull and vnes, contradictory to the will of God, we are all bounde to the utmost to prevent; for soe preserving the publickky peace and liberty, is the main end of all the promises of the Covenant, whereto all particular smacks are subordinate; and if I should not suspend my particular pretensions to Right in order to publick safety, I transgresse the Covenant, which above all else bind me to do this; which also is nothing else but the express sense of the Engagemēt which is now offered to shew the intent thereof of is no way contradictory, by shogētē co-ordinate and consonant, both with the Oath of Allegiance, and the Nationall Covenant, so farre they are obligatory.

And so go yet a step beyond this Consideration, I shall addē this, that if the third Article of the Nationall Covenant concerning the Priviledges of Parliament, be yet in force as any degree, i.e. you sup-
pose it is, then it binds you to preserve the Priviledges of Parliament that now are, as well as those that then were. For if there had not been a totall dissolution of all Government amongst us; but a Parl, notwithstanding all changes still kept up, and therēin a Right established and to order matters for the publick good, every oide them, since Oath of preserving these Parl. Rights is still binding, so farre as the Parl is in being: nor can it be agreeable to the intent of that Article, or to the Rule of Conscience, and of sound Reason, that because it is supposed some have made a breach upon some of the Rights of Parl, that therefore it should be free for any to break and desolate all the rest. For if you count them guilty, who made void the Authority, that then was in any degree; how can you be guiltie of your self, if you intend to make void all that which remaines? Therefore so far as there is yet any ground of order and settlement in the Common-wealth,

wealth by the Authority of Parl; and by the Council of State and Courts of Justice depending thereon; you are by that very Covenant in Conscience still bound to preserve it; and this very thing also the Engagement which is now offered doth clearly bind you, and (as I conceive) to nothing else directly; for the obvious sense of the express words can be none other but this. That so far as the Association of this people is settled in a course of Government, and in the Administration of justice, you shall not overthrow but preserve the same, although the Administration of this Government and Justice, is not now carried on by a King and House of Lords; but only by the Parliament that now is, which certainly is your duty at this time. And if this is clearly your duty for the publick good; then you cannot understand the words of the Covenant to be binding in any other sense but in this; for the words must be taken in the sense which they can truly bear, and which do support the main end for which the Covenant was taken; for the main end of this very Article whereof you make a scruple, was evidently to preserve the Parliament and Common-wealth for it self, and (if need so required) also without the King.

Now this is that which the Engagement doth directly also require; for which cause I say, that by virtue of this very promise, you are bound to take the present Engagement; and if you take it not, that you make your self a transgressor of that very Article which you pretend to keep; for if you refuse to be true and faithfull to the Common-wealth as it is now established, you do what in you lyeth to make the remaining Knights of Parl. and the beginnings of our settlement void; which though at first it was not intended to be without a King, yet it was clearly presupposed in the Article it self, as possible to be without him, and consequently, that although he should not be, yet that the Common-wealth by the Rights of Parl. and the Liberties of the Nation should be preserved, which is all that now is sought for by the Engagement.

I hope then that you shall find no cause to scruple any further at this; but that such as under the pretence of such scruples take a course to overthrow this Parl. will be made conscientiously awake to see their error, and that they diametrically by such a purpose cross the mayn intention of their Covenant, and become guilty of dissolving the whole tye of this Common-wealth. And this shal suffice concerning your first scruple at this time.

As concerning the present Power by which the Engagement is
B 2 tendered

sundered, were you to do, what ought to be thought of it? whether you should count it a lawful or an unlawful and wicked Power? and of such, whether you will not be accessory to their usurpation, by taking the Empire unto you?

To the question I had enquired, and I beseeched the Rule by which I ordered my conversion, in the last place, that if you have nothing to excuse against them, you may take them up and walke in the Righteousnes thereof.

For your own particular, I have taken this to be the Rule: *Wherby all priuynemen (such as I am) all Christianes ought to walke unblameably under the iurisdiction power of this Worlde Netherly; Wherby also all belongeth to me to judge definitiuely of the Dignities whiche the sevynnes Power over me in this Worlde, p[ro]ceed to have and to haue dominion. And the Reason is this, because I finde it no part of the profession of Christianity to meddle with this matter, nor can I neither God nor man allow priuynemen to take so much upon them oversorne Superiors, nor ought Superiours to suffer it in their Subjects, nor wil I foundeste[n] or a good conscience allow it in any.*

It is no part of our Christian Profession to be a Lawe-judge to the great ones of this Worlde, inspeccional of their Rights and iurisdictions iurisdiction. For we are to behaue our felicit as spirituall men in this Worlde, by the Rule of our Profession, and as Answere[s] and pilgrym therin, taking it as our passage from Kynge-hire that cannot be broken; and using it as the subiect wherein our faith and evidence, our mortification to things passing, and our hope for things to come are to be exercised. A straunger passing by and sayng, what thing soe ver finds them on his way, makes the best of them that he can, and meddles only with his own matters, how to advance prosperitously and easilie towards his journeys end; that is, how to behaue himself without blame and offence towards God and man, in all thines, with a good Conscience: holding forth the Word of life, which is the Rule by which he doth walke in the fear of God towards others. This is all that a Christian is a Christian, that is, by vertue of his profession, is to meddle withall about the Affairs of this Worlde, which in so doing, he doth judge in the spirite of Righteousnes; but if he doth make himself a judge in another kind of particular rights and iurisdictions of the great ones in this world, he takes upon him that which doth not belong unto him in his Profession of Christianity, for he doth more then Christ would do on earth; for Christ did nothing in this Profession would not become a judge

judge of the last matter between man and man in the World; and how shall we then ought to be his followers and Disciples, take upon us to judge of the power of all? How shall we answer this to him? Is not this one of the great Characters of the Devil, & Antichrist, that he exaleth himself above all that is called God's; and wherein hath he done this more remarkably towards Magistrates who are called Gods amongst men, then by exalting himself over them to becomes Judge of all their Rights and pretensions to power in this World? We must then give an account of maintaining the modes and practice of his Spirit, whereof this is a very eminent one, to judge of the right of Power to Rule in the World.

No such God allow in the World, those whom he hath made Subjects to Superior Powers, to take upon them to judge of the Rights and Titles of those that are over them. The Rule of Subjects behaviour to Subjects is clearly determined in Rom. 13. 1. v. 8. &c. 1. Pet. 2. 13. 14. &c. Tit. 3. 1. Where we finde nothing but a command of Submission and Subjection, of not rebelling, and of paying Taxes & dues, and of giving honour, fear, and respect, for Conscience sake unto Superiours power; because they are Gods Ordinance over private men, and they bear vs the Sword, which God hath put in their hand, in vain. Now the Commandments thus delivered, without any limitation or restriction of their Rights to rule, or of our obedience (further than that we are bound to obey God rather than man) I suppose do oblige all Subjects that are under them, either to obey or to suffer patiently if they finde cause to refuse obedience; but that private men in outward and humane concernments; and for worldly considerations of their own taking up, should not finde any cause to refuse obedience, I conceive is the meaning of those absolute and unlimited injunctions which the Scripture layes upon Subjects in respect of their Superior power. So then the duty which God hath appointed Subjects to observe towards those that are over them, in the places of power, it's clearly inconsistent with the scrupulosity of this question, concerning their Right and Title to Rule. Nor should those that are in places of power suffer their Titles by mean private Subjects to be questioned: for either they should actually suppress the disputes and dissquies of that nature in private men, as not at all belonging to their cognizance, or they should prevent it in others who are to be accounted their equals, and to whom in reason they are accountable of their proceedings (for God hath made no man so Supreme, as not to be accountable unto others in a reasonable)

honorable way) by some satisfactory declarations & demonstrations of the grounds of their Right to their places, and of the equity of their proceeding therin. Now lastly, can it stand with sound reason, or a good conscience in any private man, to take upon him to be a Judge of that matter, and to suspend his acts of obedience in things otherwise good and lawfull in themselves, 'till his scruples in that kind be satisfied. For first, no sound reason will allow any man to take upon him the judicature of rights wherein it is not obvious to him to know the true ground circumstantially, and seeing all claims to places amongst them depend upon the concurrence of many circumstances, which in the way of justice give to one and take away from another, a right to the same, and it is in Gods hand alone, to order the incidence of these circumstances between those that have power, and the competition for the same places, and private men cannot possibly in their ordinary way (wherein they are bound to stand and wall) know sufficiently the incidencies of these circumstances, which changt the nature of rights & claims to places; therefore no justice nor reason can allow private men to be Judges of things whereof it is not mortally possible for them to have a true insight, and whereto they have no calling by God or men to make a speciall enquiry, without which they become unreasonably and unconscionably presumptuous, if they leade within themselves, or utter towards others any judgement definitively. Then in the second place, it is a most uncharitable practice in any whom God hath put in the place of subjection, and of living in a private station, to resist the powers that are over him, requiring good and lawfull things, only because he is not satisfied in their right to require those things of him, and in their Title to their places, as if Superior Powers that are actually in the possession of place, which God hath put in their hands to rule others by, and serve the publicque with, were accountable to every private man concerning their right, by which they stand under God in their charges, and as if it were lawfull for men professing Christianity, to dispense with matters of duty, in themselves commendable and profitable to common edification, only because they will appear opposite for some worldly respects unto those that are over them, to whom they owe due respect and submission.

Now after all this, if you say, what? shall private Christians then make themselves slaves to any that will rule over them, without judging rationally, who are their lawfull Superiors to whom they owe obedience? I say to this, no; for Christians are the only free men of the world: all the rest are slaves to their proper passions, lusts, opposite

positive interests; but he that is subject to the Law of Liberty, doing all by a rule, is truly free, and none but he. But you will say, by what rule then shall he discern who is Supreme? I answer, by a rule agreeable to Justice, treason, and Conscience. Seneca will shew him who is actually in possession of all power and places of Government over him, and by this he will perceive under whom he doth stand. Reason will shew him what he who is over him pretends unto, whether yes or no, his pretences are backed with power to maintain his right against all adversaries therein; and whether yes or no, the use of that power be limited by Law, or left wholly to his own will without any Law? and Conscience will shew, that he to whom God hath committed the plenary administration of publick affaires with unconfrontable power, is Gods Vicegerent over the society of those to whom his administration doth extend it self, either by vertue of a contract, which makes Law, or by vertue of Conquest, which is bound to no Law, but the will of the Conqueror? For if the Apostle doth teach us, that *All souls ought to be subject to the higher Powers*, because there is no Power but of God, and because the Powers that be in place are ordained of God, then will follow, that those who are actually Supreme, and in a plenary possession of power, ought to be obeyed as Gods Officers; for it is not possible that any can attain to the height of power, without Gods imposta^r II of it into his hands. Here then a Christian, resists, and freely performs his duty toward him, in all things good, and lawfull, and makes no further inquiry after the rights to it, as according to Law, of men because he doth consider, that the most high God is the Kingdom of men to whomsoever he pleasceth. Thus keeping the spirit from flying out beyond his bounds one way, and following the directions of a clear rule another way, I prevent this slippery subtlety from troubling your self, without cause, about range your Conscience against your duty.

But here again it may be laid, If this be the condition of Subjects, and if their duty toward Superiors is thus circumscribed, what way is there left for them to be freed from the unnatural usurpation of tyrannical power? I answer, there be three ways which God hath left to the zealous of men to make use of, partly to prevent, partly to redresse the tyrannical usurpations of an over-ruling Power. The 1. is, to lette Lubermate Officers under him, without whom he can not act. The 2. is, to lettle laws whereby to circumscribe him, and their actions, and a Law-making power, to whom both he and they are to be accountable. And the 3. is the great and invincible Law of

necessity, whereof every one is so far the Judge in his own cause, and in his own place, as he is moved thereby to venture his life and welfare to observe the dictates thereof, by these means Subjects without judging of the Titles of Superiors, may represso the undue usurpation of power in tyrannical spirits; where you may take notice that although you & I as private men, ought not to make our selves Judges of the Rights which Superiors pretend to have, in and to their places; yet that they are not without a Judicature over them in those places, for the subordinate Officers belonging to a State, are bound to judge of the Rights of those that are over them; both by which they stand in their places of supremacy, and by which they proceed in their actings toward Subjects, least they be made the instruments of Arbitrary, power & tyranny, & then also the law-making power, which in all Nations resides by the Law of Nature in the convention of the Representatives of the whole body of the people (whether it be made up of the heads of families or of chosen Deputies, who are intrusted with a delegated power from all the rest) doth make or unmake Rights, in all places and persons within it self, as it from time to time doth see cause. As for the Law of necessity which begetteth war, whereby God is immediately appealed unto, by those that pretend to have no Superior on earth, that he may judge of their rights whatsoever his hand doth determine in the event, is to be couered the right of those in favour, of whom the determination is made by his Judgement.

By these rules then quiet your mind according to your place, concerning the right, which the present powers have to rule, do not take upon you to define matters whereof you are no competent Judge: you are made a competent judge only of your own actions which belong to a Subject, as you are under a visible & uncontrollable power which God hath set over you, and your duty is to submit thereunto, in all things agreeable to the will of God, judging your self, that you put no stumbling block, or an occasion of offence in any mans way, Rom. 14.13. Yet I wil not say but in the judgement of discretion as you are a member of this Common-wealth, and concerned in the publick welfare therof, you may look upon your Superiors, to see how they pretend to stand: that is, by what apparent right, & with what visible power they possesse their places, but this you ought not to do so peremptorily, as to oblige your conscience, as to be suspended upon the observations which you shall happen to make of them and their proceedings; as if your private Judges in such cases should be the rule, by which you ought to walk in point of obe-

dicted. I say you ought not to set up this judgment of yours so high, i. e. in your self and over others, as to drown the thoughts of all other rules, but you ought to limit it, as I have said before, within the bounds of Christianity, and discreet rationality: wherein that I may help you a little further: consider soberly with your selfe what can be inferred, no, this plea, which they will alledge themselves, how no 12 but answere

1. Whether yea or no the nacionall eye and affliction, by which we were, a Common-walthe, while we were yet called a Kingdom, hath ever been dissolved? i. tne g. a. w. n. o. n. d. n. r. l. g. o. n. q. e. b. o. O. y. d. n. d. o. 2. If it hath not been dissolved, what hath kept it entire in the midle of all these shakings? Was it not a Parliament, and the subordination of all Officers throughout the Nation under it?

3. And if a Parliament is still remaining, and all subordinate Officers, in places of judicature and execution, stand under it throughout the whole Nation, that all men may have a legall protection from injuries; what is there wanting to a lawfull power and Government? i. t. e. yd. t. t. v. d. n. o. f. u. p. 4. If nothing be wanting to a legall protection for those that acknowledge the Jurisdiction, then such as acknowledge it not, do put themselves out of that protection: and if they resist the power which God hath for ever stablished for the publike good and which is attually and fully possest with all the places of publike administration, they resist the Ordinance of God; and they that resist this Ordinance (saith the Apostle) shall receive to themselves damnation. Rom. 13. 2.

As for the point of enquiry, how these particular men, in whose hands the power and Government is, are come to their present places, whether in a legal way, or that which you call usurpation, it doth not belong to the conscience of any man, who is in a private station, to determine peremptorily, far lesse upon his determination to suspend his actings to the publike good. Yet if in this also you desire to reflect upon the passages of Right without obliging your conscience to stand engaged either way, by that which you shall observe, I shall further suggest these heads of matters applicable to the case of those whom you suspect to be usurpers, unto your impartiall meditation, as a Plea which they do alledge for themselves.

1. Whether yea or no in betwixt any way unjust by the law of nature, among men that are equals, to resist force with force? and i. s. o. n. w. l. h. e. r. n. o. o. 2. If it be just among equals to resist force with force, the second point will be to consider, whether he that invades another mans natural right, or he that defends his own right, is to be accounted the usurper?

3. If he that invades and seeks to deprive another man of his right, be the usurper, then he that by resistance is deprived of that whereof he attempted to deprive his neighbour is not wronged by way of usurpation, but justly de- feated of the power which he did abuse.

Now they will say, that the case was thus, first between the King & Parl. if you count them equals (which is the least can be given, say they, to a Parl. by the Law of nature & Nations) and then afterward between the one party & the other. In Parl. the same case was acted again, as between equals: whereupon the City Militia on the one hand & the Army on the other, was depending, and set on work for action. And how far (these powers having clashed) those that prevailed did think themselves necessitated to settle the safety of the *Common wealth*, in their own way, and what settlement that hath by Gods permission brought forth, & upon what ground it now stands, I shall not need to present unto you; only the sober considerations of the grounds which the party accused of usurpation doth alledge for its proceedings, are to be thought upon indifferently, without prejudicat affection if you will free your Conscience from a snare. And this shall suffice also, concerning the first branch of your second doubt. But let us now come to the second branch thereof, which supposing the power to be usurped doth question how far by taking the Engagement, you become accessory to the guilt thereof? To this question I shall answer briefly thus, That the Engagement being a duty just to be required by the present Powers from their Subjects, without the performance of which there is no protection due unto them, and necessary to be performed by all that will not profess themselves desirous to overthrow the present safety, & publick welfare of the Nation; It cannot make those that take it accessory to the guilt of those that tender it, if any be in them, because the performance of a thing good in it self, & just & necessary for me to do in reference unto others, can derive no guilt before God from others, of the evill which may be in them upon me. All moral actions are to be counted good or evill, lawful or unlawful, according to the justice of the Rule by which they are done, & according to the usefulness and conveniency of the immediate and proper end, for which they are done, and if both these be found in the Agent thereof, no guilt can from without be brought upon him, by any co-Agents. Now the rule of Justice in this case is, That we are bound to shew fidelity unto those of whom we desire protection; & that we are bound to be ready to every good work towards those with whom we live, which is all that in the present state of this *Common Wealth* is required of us, which if we desire not to perform, we deserve not to have a being in it: and if we desire to perform this, there can be no cause why we should not profess it, or why the profession of our willingness to do this, should make us guilty of other mens sins. As concerning the end for which the Engagement is to be taken, it is to oblige all to intend one and the same publick good. So far as at the present constitution of affairs it may be advanced: and to give the upstream power an assurance that we shall not betray it, but that we are willing to maintain all good

all good intelligence for publick concernments wch Jr. notwithstanding the present changes brought upon the Common-wealthe.

Suppose those that have the present power, had without any apprehension of necessity for common safety or danger to their own safety and liberty, only for some sinister ends usurped the places wherein they are, yet by Gods permission and direction over me, they bring now thereto, and finding themselves obliged by their places to procure peace and unity among the subjects of this Land, and to preserve the publick interest for the good of all, according to their best understanding if they use any expedient which doth tend thereto, and offer it unto me to concur with them therein, with what confidence can I refuse a concurrence to such an intention? If they having done a misse formerly, see themselves now to do wel, can I with any conscience oppose them therein? Is it just or pious, that because they found no safety in the way by which I would have settled the Common-wealthe and have altered it, that therefore I should refuse to concur with them henceforth in any other way, or at their motion do anything, although it may be found never so usefull and necessary in it self for the good of the Common-wealthe. If they were guilty one way (as you imagine) by taking upon them more then they had right to do; take heed lest you be more guilty another way by refusing to do that which before God & man you are obliged to: if you are afraid of partaking of their sin, then take heed that you dismemb're the publick welfare as much or more by this sin, then they did by that. If their guile was by the usurpation of power to dissolve the way of settlement wherein we were take heed lest ye obstrue all other ways which henceforth may be taken towards a happy settlement, only by the refusal of due subjection unto the power that is now over you, because you think yourself or your party wrongfully deprived of the power which you had. If you strive for power as much as you think they have done, then you are more necessary to their usurpation by doing that your self for which you condemn them therē b. yielding to any lawfull engagement for the good of the Common-wealthe, which they propose unto you. Thus while you pretend to avoid a doubtful guilt of another mans sin, lest it reflect upon you, you contract an undoubted guilt of your own sin, by refusing a necessary duty to the Common-wealthe. The truth is, they cannot be said guilty of Usurpation of power; for it was by all the Authority of the Common-wealthe that then whs, both of King and Parl. put into their hands, but if their guilt lies anywhere, it is this, that they abused their power: now you cannot be made necessary to this abuse thereof, which is past already, if you give not your express consent & approbation to that which they did, which I am confident they wil never urge any man to do, who wil promise heart forward to be faulfull to the peace and prosperity of this

State, for some of the Council of State themselves, would not be ingaged to approve of all proceedings past, and yet sit still in Council with them to advance the publick welfare in time to come, whereby you may perceive that by this engagement they mean not to draw in others to be accessory to their past proceedings, but to know who they are that are faithfull in the Land, and willing to concur in good and lawfull undertakings in due times; for this is all that the Engagement can rationally be streched unto; and he that will not admit of it in this sense, makes himself actually liable to a greater sin than that which he pretends to be afraid to fall into, which is a way of proceeding very preposterous & unconsionsable, so farre fear of being found sinful. Hitherto I have insisted upon your two first doubts, more largely then I did propose at first, therefore in the third and last, I shall be more brief, for if in the two former you be well satisfied concerning that which is your duty, I can not see how in this last you can be much further scrupled, for if your conscience be once throughly convicted of the lawfulness and necessity of a duty, it must cast the evill and consequences of the performance upon Gods providence, and not lay the conjectural appearances of your own apprehensions, in the ballance therewith. In the third doubt, you say the consequence of the Engagement seems to tend to the opposition of two things: 1. To exclude the lawfull Heir of this Crown from his Right: 2. To exclude the Lords from sitting in Parl. To which things you say you are pre-engaged, and from which you cannot recede. To which I shall offer these considerations to your more deliberate judgement. If those be only seeming inconveniences and the other a certaine & undoubted convenience, may a necessary & indisparable duty, your conscience cannot justly suspend the latter, for the formers sake, for there is no proportion of obligation in respect of conscience betweene that which is seeming, & that which is undoubtedly certaine; we are commanded not to judge according to appearance, but to judge righteous judgement. *John 7. 24.* by which we must conclude, that to follow appearances, is not to follow the rules of righteousness, and consequently that it is not consonionable to act unrighteous, or to suspend righteous acting, only for appearancees of evill: and as it is absurd to do evill that good may come of it: so it is also unconsonionable to leave off the doing of that which is infallibly good, that no doubtful evil may come of it, and then consider the duty which you refuse to do, relates to the whole Commonwealth, the safety of all, and your own necessary peace & preservation, and the evill which you fist will come upon ye, relates only to the seeming violation of a particular right of some few persons which is, or maybe doubtful, whether you be any further engaged thereto, yea or no, for when you say that you are pre-engaged, so that you cannot recede, I must suppose that you meant not a wilful but a consonionable pre-engage-

gement, and that you cannot lawfully recede from it; but if the contrary hath already appeared and is clear to your conscience now; that your duty and pre-engagement to the whole Common-wealth, cannot lawfully and conscientiously be par in the ballance, with a particular Engagement to some persons depending thereon; then you cannot make any further doubt of that which should be done in this case; for I cannot imagine that you wil think it lawful for you to dispense with your interest toward the universal good of the Common-wealth, for any particular engagement, though never so strong otherwise, and lawfully undertaken at first; for if the interest of him, whom you call the heir of the crown, & of the men called the Peers of the Kingdom, is of so much weight with you, that you will do no good also to the Common-wealth without them: then it is clear that in your esteem they are more then the Common-wealth to you, & that the common cause for the maintaining of which all your engagements are brought upon you, is not so much valued by you, as the particular cause of these persons, which how you can with a good conscience allow in your self, I am not able to understand. If say then, that if the particular interest or pretensions of any come to justle with the publick good in your affections, & justle out the same; it is clear that you are not faulftul to your principles of conscience and reason before God and men; but that you are willing to betray the common cause to particular designs; and consequently that you will seek your self in the bottom more then the publick good; because it cannot be doubted, that if you will subordinate your zeal & love to the Common-wealth, unto the respect that you have to other mens advantages; that you wil far more (if occasion be offered) subordinate the same unto the respect which you have to your own advantages. For the resolution of this scruple you ought as I conceive, to understand your self thus far, that you cannot entertain the thought of any engagement or obligation lawfully, which doth cause your engagement & obligation to be true and faithful to the Common-wealth, at all times or at any time, therefore with a good conscience if you find your obligation to the heir of the crown, or to the privileges of Peers, ful crois & opposite by change of circumstances (as all humane matters are changeable by circumstances) to the common good of the Nations (I say, you cannot in such a case maintain that obligation so, as not to be receded from it with a good conscience; & if the proposal of this Engagement, doth discover this much of your corruption unto you by such a scruple, you are to be humbled for it before God, and laying aside hence forth all hypocrie, re-clifie the intentions of the heart, with uprightness and sincerity. And all this I offer to be considered by you supposing your pre-engagement to have bin just and lawful, as no doubt it was; yet that now your resolution not to recide from it, cannot be stil just & lawful as matters now stand in the state.

if you will make that pre-engagement, to juffle out of your heare this engagement which now is offered unto you to be taken.

As for the dissolution of your tie and obligation to the heir of the Crown, I shall refer you to look upon God, whether he hath not dispossessed him wholly by his own doings and counsels, and by the guilt derived from his Father and Mother upon him, of all his interest in this Kingdome, and Common-wealth; for because his aim, and the aim of those that are about him, is not for the Common-wealh, but for the Kingdom, that is, [not for the good of the society, but for self-greatnesse].

Therefore God, who takes and gives the Rights of Government by the putting of one into the actuall possession of a ruling power, and by taking of the same power away from another, to fulfill his own councel & judgments over this people, and over those that exalt themselves over them, by destroying the earth, he hath done as it seemed good in his own eyes, both with him who according to men claims the crown, and with those that were the supporters thereof more then promoters of the publick good. And what God, who doth exalt one and put down another, determines in this kind in the sight of all the world, and (I may say against the clear intentions of all that engaged themselves at first for the good of the Nations and for the Kings good also; what I say, he determines thus in this kind against mens intentions and expectations, whose affections have been sincerely for the Kings just rights no lesse then yours; you & I have no warrant to contradict or oppose in our thoughts, but we must observe this way of changing the rights, & shaking the tiles of the earth, that the Lord alone may be exalted in the day of our common & their speciall visitation. For I conceive, that the Prophecie of the Prophet Iсаiah, chap. 39. ver. 31. is begun to be fulfilled amongst us, somewhat more remarkably then in other parts of the earth as yet, which is this: *And it shall come to passe in that day, that the Lord shall punish the haire of the high ones that are on high, and the Kings of the earth upon the earth; and they shall be gathered together as prisoners are gathered in the pit, and shall be fownd up in prison, and after many daies shall be visited. Then the Moon shall be confounded, and the Sun shall be ashamed when the Lord of hosts shall reign in mount Sion, and before his ancients gloriously.* It shal not now stand to open these words unto you further then their sense is obvious to shew that which in another place the Prophet saith to the same or like effect. *That the lofty looks of man shall be humbled, and the haughty pride of men bowed down, and the Lord alone shall be exalted in that day, for the day of the Lord of hosts shall be an day that is proud and lofty, and upon everyone that is lifted up, and he shall be brought low.* Which is a warning alio to those that are now exalted in power

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the present Engagement.

overus, lest they be high minded in their own conceits, and their ruin come suddenly, and without remedy, if they all or any of them wil, as once Israel did, say to the Seers, *see not*, and to the Prophets, *prophesie not right things unto us: prophesie deceit, and cause the holy one of Israel, and his Law to cease from before us.* And if when they begin to despise his word (as some of them otherwise very active and instrumentall in outward changes seem to do) they trust then in oppression and perverse's; & lean upon their sword and stay thereon, they must take notice they shall be taught to know with dear experience, if they aker not their course, *Esa. 30. 11. 12. 13.* that this inquiry shall be to them as a breach ready to fall; *swelling out in a high wall, whose breaking cometh suddenly and at an instant;* for if the tallest Cedars are not spared, but cut down, when they exalt themselves above the Trees of the Forrest: how shall the smaller shrubs be born withal, when they are guilty of the same misdemeanour? They therefore that stand before the Lord of the whole earth, let them be wise & fear he standeth among the Gods & judgeth: even he, who being the King of Kings, came to serve all men through love, and doth teach all men to deny themselves, and become his Disciples, learning of him that he is meek and humble of heart. If they seek themselves & not the Commonwealth, whereunto they pretend to engage others, they shall be found out by those whom they engage to the Interest of the Commonwealth, who mind it sincerely: and being discovered, they shall be cast out of their greatness in it. We have seen several parties up, and their several Interests set on foot; and their changes came because the true interest of Christianity, wherein all Commonwealths alone can prosper, hath not been so much minded by them, as their own interests: we should therefore pray for those that are over us now, that though they may have had, and have still their failings, yet that they may not be split upon this Rock, and we should watch also over our owa soules, least we be made a cause of their own splitting, and of the ruine of all, by being enticed to be wilfully scrupulous in their matters, as perhaps some are for ends of their owa, to make the way of Government difficult, and the standing of those that are in places of power unsafe. If any be such (of which number I know you are none) they shal eat of the fruits of their own doing assuredly. For if they acknowledg the jurisdiction deceitfully to betray it, God will find them out, if they will noe acknowledg it, nor anything (thoogh never so good) offered to the publick Interest by it; only because they will keep mens spirits at a distance from it: they shall not escape to be consumed by the fire which they do maliciously kindle to destroy the Commonwealth. If the common Interest, which I am perswaded, is in simplicity to be aimed at by the Engagement, according to their sense that offer it: were without scrupulosity and contradiction taken up and intended by all: what an easie

See what would it be in a short time to bring at last about a real reformation of all our grievances; but if those that complain of pressures & grievances, and of the charge of an Army, by their own disaffection to the publick, and unkindness under Government, make an Army absolute necessary, and occasion the grievances themselves, whereof they make complaints, only to cast an odium upon the Government, they will be found to be the Children of their Father the Devil, & receive with him their reward: for he obstructs all that is good in every one, and tempts all unto dis temper and disorderly Carriages, and then lays them to their charge to make them odious thereby. Besides, the scruples which you have made in this business, I have met with some, that labour to make strange interpretations and inferences upon every word of the Engagement, as if it were in the meaning of those that offer it, a bundle of snares; but trouble not your selves with that, for in all promises of this kind the Rule is, that you must take the sense which is most obvious, to express an undeniable duty, and by following this, you shall not be intangled into scruples and suspitions, what others may strain the words unto. Another told me (and I understand by him that many are thus perplexed) that although he could take the Engagement in a lawful sense, and approve the obvious sense of it; yet that he ought not to do it, by reason of the offences which many godly people would take at him for it, who cannot but think it a breach of Covenant. To this I answer, that in a necessary matter of duty, an offence wrongfully taken at it, ought not to be regarded by those that perform it; but they ought rather to follow their own Conscience, and give to those that are offended at them in their way, a satisfactory reason of the justice thereof, to instruct them; but in things of an indifferent nature, which are free to be done or left undone, there we are bound to suspend the action which may be taken offensively, as for this matter I say, that on both hands there will be offences given or taken, and that by the godly. For as some godly will be offended at the taking of the Engagement, so some others will be offended at the not taking thereof: the case then will be, which of these two offences I am most to avoid; whether that which is wrongfully, or that which is justly taken, both by the godly, & also by those that are in superiority, whom I offend so as to give them just cause to deny unto me for my offence their protection, & my necessary safety; and where of the same act the offence on the one hand is sinfully given, and on the other wrongfully taken; it is easie to judge which of the two is to be avoided. I shall leave these things to your conscientiable and unprejudicte consideration to be weighed in the fear of God by you, as in his presence without humane respects they are offered to you, by

From my Chamber Nov. 27.

Your faiffull and affectionate Friend
F. I. S. *in Christ, J. Duty.*

(13)

The extract of the LETTER con- taining the further SCRUPLE against the ENGAGEMENT.


Took advantage by this Bearer to intreat the favour of Mr. Dury, in a few lines to desire his judgement upon the subscription now pressed. I hear it is come into our County, and I perceive it a great trouble to many godly wel-meaning men; who do fear their former Solemn Obligations do so lie upon them, that they cannot go back from what their lips have uttered; unless those said Engagements were manifestly sinfull, which yet appears not; as also, they fear this Government was not chosen (truly) by the People, nor (truly) by their Representatives. This I dare say is indeed a Scruple, and not peevishnesse or faction, nor sedition in these I meane; but they fear finning against God: and they look at this as a rack of Conscience truly so called; yet it were better to suffer then sin; of which till satisfaction be given, we resolve to take heed. I pray pardon this boldnesse, &c.

The answer to the fore-named Extract.

SIR,

In the Letter which you have written to N. N. you desire my judgement concerning the subscription to the present Engagement, now pressed; To give you satisfaction, I shall relate what I did, when I conceived that I was bound, either to declare my assent thereunto: or a reason wherefore I could not do it. 1. I reflected upon this assertion as a Rule; That if the obvious sense of a promise, required of me, by any to whom I am obliged to give an answer, dash contain a clear & undeniable duty; that then I am obliged to make that promise, if those that offer it do not contradict the sense wherein I think I am bound to make it. Having laid this ground for proceeding, in the second place, I did consider the words of the Engagement, in the sense which I thought most obvious, and most agreeable to the duty of a peaceable Christian, & good Common-wealthe.

man : and that sense I set down in writing, as you see in this adjoyned paper.

This writing I did shew to some of those who are in Chief Authority, Authors of the framing of the Engagement, and intrusted by the Parliament to propose it unto all : they declared that this meaning was satisfactory ; and thereupon I found my selfe obliged in conscience to engage thereunto. If the ground which I did lay, is sound, and the manner of proceeding faire and inoffensive ; if the words of the Engagement beare this obvious sense ; and if this sense is a clear Duty, no wayes contradictory to any former Engagements wherein you have opened your mouth to the Lord, then I do not see what should give you cause to scruple, except it be that those who propose it unto you, declare that this meaning is not satisfactory, and that something else is intended by the Engagement, which I am confident none ought to do. As for the scruples which are raised about the seeming contradiction between this and former Engagements ; I suppose they will be taken off by this adjoyned printed paper, which you may be pleased to peruse, and to offer to your Brethren, that are not peevish as you call it ; but stand off for fear of finning, and if after the impartial Consideration thereof, any scruple doth remaine further with your selfe or any, I should be glad to know of it ; where the stop in their spirit doth lye ; and you will do me a pleasure to acquaint me therewith ; for I think it my duty to help to remove it. As for that point of scruple, which you intimate in your Letter to be the main thing, that they fear this Government was not chosen truly by the People, nor truly by their Representatives : although this cannot be denied, that neither the People, nor their Representatives, at first did chuse this way of Government, yet seeing by Gods providence now it is the Government in being, and seeing I am taught by the Apostle to believe, (Rom. 13.1.) That there is no governing power but of God, and that the Powers which be in Government are ordained of God to be over me ; and that therefore I ought to be in subjection under them, by doing things holy, and just, and peaceable, tending to the Publique Good in my Calling ; therefore I conceive my selfe no wayes obliged, to stumbl at the way of their coming to their places of Government, after they are once in a plenary possession thereof, as being no competent

petent Judge of the rises of power, and rights to places of Superiority. This I must leave to them, and to God, in due time to judge; but yet this may be said for the present Governors; that those who remained in the House were, and are still in the places, whereunto they were lawfully chosen, and wherein from the beginning they stood as true Representatives: nor can any thing to my understanding be alledged, why they that remained, and were not cast out of their places by the force which the Army used, should loose their right to govern, or leave off to administer the Common-wealth the best way they can: and what a' though it may be suspected that some of them had a hand in stirring up the Army to cast out their Brethren; yet when matters are fallen from a peaceable way of Government, which the people had chosen to a warlike Constitution of affaires; and in cases of breaches between those that are equally in the possession of Supreme Power, when their parties are formed, and have attempted to act against one another by force, for the driving on of opposite designes: yet (I say) in such cases and at such times, the violent proceeding of some against their Brethren who had violent attempts also against them, (though I excuse neither, but both may be faulty in something) doth not dissolve the originall right to governe, which was in either of them by their first choise, wherein they were made Representatives; it is indeed the misery of a Nation when their Representatives in Government fall thus at odds within themselves, and bring a necessary and fatall change upon the Government; but yet we must observe, that in times of such division and distraction, every change of Government, doth not dissolve the right which is in those to whom the care of publick administrations is committed, to do for the publick good, that which they shall think necessary and expedient to be done, according to the circumstances of times and places. The irregularity of some in the use of power, doth not deprive others of their right, to discharge their duty in the places wherein they are set. Although then, the Government is not that which the people hath by any universal and unanimous consent chosen; (for that is not possible to be had as matters now stand) yet it is that which their Representatives in place, and possession of their right to govern have chosen: and this should quiet my private way of judgement, if I will not presume above my line.

I shall

I shall beseeche the Lord, to make us in these times of tryall,
to know the perfect way wherein we ought to walke, without
blame before him in love; and the Lord bleste you in your Mi-
litary, and make all that are upright in heart, free from persecu-
tione against their Brethren; that salvation may come out of
Sion. Remember me in your thoughts, and prayers for the
peace thereof, who am in Christ,

St. James this 18.

December.

1649.

Your Brother and Servant

as the Gospel,

John Dury

The Wordes of the
Engagement.

I do declare and
promise, that I shall
be true and faith-
full,

To the Common-
wealth of England,

As the same is now
establisched,

Without a King and
House of Lords.

The Meaning therof which is a Duty,

I do in expresse words oblige my self,
and am hereby really engaged, That sin-
cerely and uprightly, without any men-
tal reservation, and honestly without a-
ny deceitfull purpose, I shall with all af-
fectionate care and diligence, to the ut-
most of my abilities seek and procure

The Common good, the Peace and pub-
lick welfare of the People of this Land,
in their Nationall Association,

Which at this time doth stand under
the power and Government of Parlia-
ment and Counsell of State that now is;

Although there is no single Person
ruling in chief, nor company of Peers
sitting as a Body in this Government.

F I N I S.